

1
2
3
4
5
6
7 MATTHEW GRAVES,
8 Plaintiff,
9 v.
10 PATRICK COVELLO,
11 Defendant.

12 Case No. 21-cv-03186-JCS

13
14
15
16
17
18
19
20
21
22
**SECOND ORDER TO SHOW CAUSE
(AMENDED)¹**

23 Petitioner Matthew Graves, who is represented by counsel, brings a petition seeking
24 federal habeas relief from his state conviction in San Mateo County Superior Court, case 16-NF-
25 011327-A (“the State Action”). On July 11, 2021, the Court issued an Order to Show Cause
26 (“OSC”), finding that Petitioner’s claims were sufficient under 28 U.S.C. § 2254 to warrant a
27 response. It therefore set a deadline of October 12, 2021 for the Respondent to file an answer or
28 dispositive motion. Dkt. no. 7. A docket entry dated July 12, 2021 states that the OSC was served
by email on the California Attorney General. No response to the OSC was filed by Respondents.
Petitioner also did not file any further pleadings. Accordingly, for the reasons set forth in the
OSC, the Court orders that Respondent shall file an answer or dispositive motion in response to
the habeas petition no later than **July 24, 2023**.

23 The Clerk is instructed to serve this Amended Order on the California Attorney General by
24

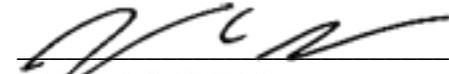
25 _____
26 ¹ This Order is amended to remove a reference to a clerical error that the Court believed had
27 occurred in connection with service of its July 11, 2021 Order on the Attorney General of the State
28 of California. Upon further investigation, the Court has found no indication of a clerical error but
also has been unable to determine whether the California Attorney General received that Order.
Therefore, the Court has issued this Second Order to Show Cause to ensure that Respondent
receives notices of the Court’s OSC. In this amended order, the Court has also removed the
instructions for the Clerk relating to service contained in dkt. no. 8 as the Clerk has already served
those documents and inserted instead instructions for service of this order.

1 email at the email address listed in dkt. no. 8 and by mail on the Petitioner.

2 **IT IS SO ORDERED.**

3

4 Dated: May 25, 2023

5 

6 JOSEPH C. SPERO
7 United States Magistrate Judge

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

United States District Court
Northern District of California